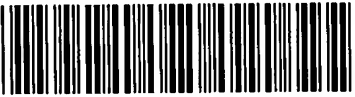


Application Number 	Application/Control No. 10/623,957	Applicant(s)/Patent under Reexamination JOHNSON ET AL.
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : # 2 of # 2 09/19/07	This patent is subject to a Terminal Disclaimer	REASONS:

Approved/Disapproved by:	
<input type="checkbox"/> Sharon Greene Paralegal Specialist Technology Center 3700 <input checked="" type="checkbox"/> Jan Hurley Paralegal Specialist Technology Center 3700	<input type="checkbox"/> Patricia Martin Paralegal Specialist Technology Center 3700 <input type="checkbox"/> Andre Robinson Paralegal Specialist Technology Center 3700

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
1842-0019

In re Application of: Johnson et al.

Application No.: 10/623,957

Filed: July 21, 2003

For: TISSUE DISTRACTION DEVICE

The owner*, Spine Wave, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,153,305 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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- is reissued; or
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 32,722

/Michael D. Beck/
Signature

Sept 19, 2007
Date

Michael D. Beck
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317-638-2922
Telephone Number

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